

Office of Professional Accountability (OPA)

Commendations & Complaints Report

February 2004

Commendations:

Commendations Received in February: 66

Commendations Received to Date: 123

| Rank | Summary |
|---------------------------------|---|
| (1) Sergeant (1) Officer | A sergeant and an officer assisted an outside agency with a sensitive investigation involving a child. The suspect was arrested and this could not have been accomplished without their assistance. |
| (3) Officers (1) Police Dog | Three officers coordinated and investigated a suspicious vehicle and located drugs and drug paraphernalia. A police dog confirmed the suspicion of drugs that were located in the vehicle and the suspect arrested. |
| (2) Sergeants (1) Officer | Several robbery sergeants have shown numerous dynamic field and tactical skills in their investigations and other operations in their unit. The sergeants have demonstrated their keen awareness of when and how to employ other units, such as ACT and SWAT. |
| (1) Parking Enforcement Officer | A parking enforcement officer and police officer assisted in a non-injury accident. They were professional and kind. |
| (1) Officer | An officer's thorough follow-up investigation report and actions led to a suspect being charged for an assault. |
| (4) Officers | The officers coordinated efforts for a smooth and thorough investigation of a stolen vehicle and the apprehension of the arrest of an armed convicted felon. |
| (2) Lieutenants | Appreciation was expressed for two lieutenants' participation as assessors in an out-of-state oral board. They actively performed superior work throughout the structured oral interview promotional testing process. |
| (4) Officers | An incident involved four officers with a combative suspect. They were commended for doing an excellent job and displaying a great deal of patience and restraint with the suspect. |
| (1) Officer | An officer provided assistance in a two-car collision. The officer was very professional and helpful in a stressful situation. |
| (1) Detective | A detective received a commendation from an out-of-state law enforcement agency regarding apprehension of a suspect. The Seattle detective was professional and his experience and interview skills were invaluable in solving this case. |
| (1) Officer | An officer picked up a silent signal of a stolen vehicle. The officer followed his training and advised communication of the activation and enabled him to expedite the recovery of the stolen vehicle. His attention and thorough knowledge of the system assisted with the recovery time. |
| (1) Detective | A victim of identity theft appreciated the assistance of a detective who provided the necessary information to resolve the issue. The detective is a true "Gem" in your Fraud department and provided great advice. |
| (2) Officers | Two officers assisted a victim of a strong-armed robbery. The officers spent time instructing the victim on the protocol of trying to retrieve the stolen items. The officers should be commended for their thorough knowledge and kindness through a nerve-racking experience. |
| (1) Detective | The commendable performance of a detective was noted on the recent successful operation culminating in the capture of a prolific pattern robber. The detective was very helpful in the coordination and information exchange with other law |

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| | enforcement agencies in the capture. |
| (5) Officers | Through the collective skills, experience and sound judgment, five officers were able to safely and effectively end a crime spree of robberies. |
| (1) Officer | An officer completed a very thorough investigation and documentation of a sensitive incident. The officer was compassionate and professional when dealing with the victim and should be commended for her diligence in the case. |
| (1) Officer | A pedestrian was struck by a motor vehicle and transported to a hospital with injuries. The victim was hysterical knowing that her child was waiting to be picked up from school. The officer who arrived at the scene calmed the victim and offered to pick-up the child and provided comfort to the child until united with the family. |
| (1) Officer | An out of town visitor was unable to locate her destination and an officer was able to assist. The visitor appreciated the time the officer spent and it was a pleasure for him to be so helpful. |
| (3) Officers | Three officers made a positive difference in our family and we would like them to be recognized for their successful interactions with our son. The officer's intervention changed our son's life and he no longer associates with former friends and is turning into a nice young adult. |
| (1) Officer | The owners of a residence expressed their overwhelming appreciation for the exemplary manner an officer of handled a situation at their home. |
| (1) Officer | An officer arrived within minutes after a three-car accident. He calmly established procedures and ensured all parties were safe. The officer was polite, helpful and efficient how he handled the situation. |
| (1) Detective | A detective was commended for excellent service and thoughtfulness extended to a victim in a bicycle/auto accident. The investigation was thorough, professionally done and completed in a timely manner. |
| (2) Officers | Two officers were commended for their quick thinking and demonstration of professionalism that led to the arrest of a bank robber. |
| (2) Dispatchers (2) Officers | Dispatch received a call from a young boy regarding a family disturbance. With the experienced efforts, calmness and appropriate actions of dispatchers and officers, they were able to contain the situation safely. |
| (8) Officers | Eight officers coordinated the apprehension of three suspects in a residential burglary. Their quick response and alertness resulted in resolving the situation. |
| (1) Sergeant (9) Officers | The sergeant and officers were involved in trying to stop an eluding vehicle. The officers took the appropriate steps to ensure the safety of everyone involved, as well as the public. The officers used a high level of professionalism and competency in the apprehension of the suspect. |

February 2004 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

UNNECESSARY FORCE

| Synopsis | Action Taken |
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| Complainant alleged that the named officers used unnecessary force during the arrest of a subject, causing injuries. | The evidence showed that the subject assaulted an officer and actively fought during the arrest. The named officers used force to overcome the subject's combativeness. The injuries received resulted from the application of this force, and the force was documented, screened, and reported. The evidence establishes that the officers used only reasonable and necessary force. Finding – ADMINISTRATIVELY EXONERATED. |
| Complainant alleged the named officer pulled the subject by the hair and slammed his head on the patrol car. | The subject has been handled by the police extensively, and several times by the named officer. The subject could not state when the alleged incident occurred. He did not respond to numerous requests for contact. Witness officers were present during each of the subject's contacts with the named officer and report that no force was used. The subject is not credible, and there is no evidence to support his allegation. Finding – UNFOUNDED. |
| Complainant was contacted and subsequently arrested for malicious harassment against a neighbor. He alleged the arresting officers used unnecessary force, made derogatory comments, and that his handcuffs were too tight. Finally, the complainant alleged he gave his watch to an officer at the precinct and that it did not turn up with his property at jail. | The evidence showed the complainant was intoxicated, and extremely hostile and belligerent. The only force used was when one officer grabbed the subject and pushed him back from another officer. This force was documented and reported. The evidence showed that the complainant caused minor marks on his own wrists from struggling against the handcuffs. Finding – EXONERATED. None of the officer or civilian witnesses heard the officer make any derogatory remarks. Finding – UNFOUNDED. The complainant said he gave his watch to an unidentified officer. There is no way to determine what happened to the watch or to prove or disprove the allegation of mishandled property. Finding – NOT SUSTAINED. |
| Complainant alleged that during a pedestrian stop, he was slammed against the patrol car. | No evidence supported the complainant's allegations. The complainant made assertions that were not verified. The alleged incident occurred in daylight, in a public place with many witnesses. A sergeant present at the scene within one minute of the named officer did not witness any physical contact between the officer and the complainant, and the complainant did not complain about any mistreatment. The named officer denied the allegation. Finding – UNFOUNDED. |
| It was alleged that, while working a traffic control post, the named officer used unnecessary force against a subject who had disobeyed his commands. | The subject admits he had been drinking, was jaywalking, and was argumentative with the officer. The named officer, the subject, and several witnesses give conflicting information about the altercation and whether the officer used a kick or a tripping maneuver to bring the subject to the ground. Finding – NOT SUSTAINED. |
| It was alleged that the named employee used unnecessary | The evidence showed that the named employee struck the subject in the stomach area while the subject was |

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| force against a handcuffed suspect. | handcuffed. The force was minimal and there were no injuries. The named employee states that the strike was intended to stun the subject because the subject was going to spit on him. However, there were other tactics the named employee could have used, and the force was therefore unnecessary. Finding – SUSTAINED. |
| Complainant alleged he was tackled from behind and knocked to the ground, causing injury. | The officers state that the subject ran from them. When a bicycle officer rode up next to the subject and grabbed his arm, the subject tried to pull away, causing both the officer and the subject to fall to the ground. The claim of injury was refuted by the booking photo and jail intake records. The subject declined to participate in the investigative process. Finding – UNFOUNDED. |
| It was alleged that the named officer used unnecessary force on the subject during his detention for investigation of a domestic disturbance. | A thorough investigation was conducted. All five people present during the incident provided a different account of what occurred. The evidence was conflicting, and could not be resolved. Finding – NOT SUSTAINED. |

VIOLATION OF RULES/REGULATIONS/LAWS

| Synopsis | Action Taken |
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| It was alleged that the named employee was under the influence of alcohol while off-duty, but driving a Department vehicle. | A thorough investigation was conducted. The evidence showed that the employee operated the vehicle in a manner not consistent with Department policies and practices with regard to take-home vehicles, and the Department's policy on the use of alcohol. Finding – SUSTAINED. |

SAFEGUARDING/MISHANDLING EVIDENCE/PROPERTY

| Synopsis | Action Taken |
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| It was alleged that the named employee failed to safeguard the complainant's property by disposing of it during an arrest. | There was no dispute that the articles of clothing were disposed of. The officer wrote in his statement the night of the arrest that he was concerned that the clothing posed a biohazard concern due to the presence of used hypodermic needles and other paraphernalia. The officer received his sergeant's permission. The Training Unit is to provide clarification training to the named officer and other officers. Finding – REFERRAL FOR TRAINING. |

CONDUCT UNBECOMING AN OFFICER

| Synopsis | Action Taken |
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| It was alleged that the named employee used profanity toward three men he contacted in response to a trespassing call. | The named employee stated he used profanity in response to a profane inquiry directed at him to avoid a larger confrontation. Finding – REFERRAL FOR TRAINING. |

FAILURE TO TAKE APPROPRIATE ACTION

| Synopsis | Action Taken |
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| It is alleged that the named employee was rude and failed to take appropriate action when the subject came to the precinct needing assistance to file an incident report. | There was evidence indicating the officer could have been more attentive and helpful. However, the complainant was highly agitated and anxious, and admitted the employee did not raise his voice or use profanity. Finding – NOT SUSTAINED. |

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

Referred for Supervisory Resolution.

Training or Policy Recommendation means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

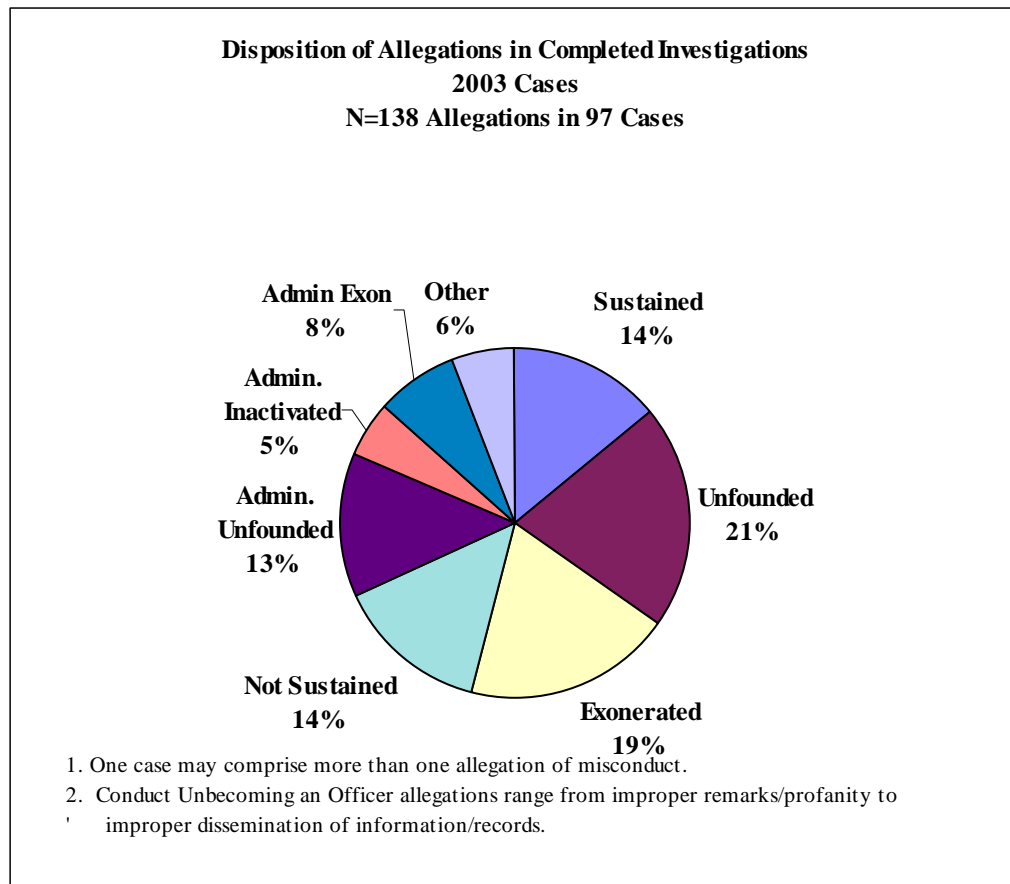
“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date:

2003 Contacts

| | December 2003 | Jan-Dec 2003 |
|--|---------------|--------------|
| Preliminary Investigation Reports | 7 | 415 |
| Cases Assigned for Supervisory Review | 2 | 79 |
| Cases Assigned for Investigation (IS;LI) | 10 | 185 |
| Cases Closed | 15 | 97* |
| Commendations | 70 | 861 |

*includes 2003 cases closed in 2004



2004 Contacts

| | January 2004 | Jan-Dec 2004 |
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| Preliminary Investigation Reports | 21 | 49 |
| Cases Assigned for Supervisory Review | 4 | 7 |
| Cases Assigned for Investigation (IS;LI) | 21 | 35 |
| Commendations | 66 | 123 |